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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/976,432  | 10/11/2001  | Gerd Bautz           | 112740-338          | 1026             |
| 29177   | 7590        | 04/13/2005           | EXAMINER            |                  |
| BELL, BOYD & LLOYD, LLC<br>P. O. BOX 1135<br>CHICAGO, IL 60690-1135 |             |                      | CAO, CHUN           |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2115                |                  |

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                             |  |
|------------------------------|-------------------------------|-----------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/976,432 | Applicant(s)<br>BAUTZ ET AL |  |
|                              | Examiner<br>Chun Cao          | Art Unit<br>2115            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-14, 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-13 and 20 is/are allowed.
- 6) ☒ Claim(s) 14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*tu*

### DETAILED ACTION

1. Claims 3-14, 16 and 20 are presented for examination. Claim 20 is newly added claims. Claims 1-2, 15 and 17-19 are canceled.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.
3. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson et al. (Gibson), U.S. patent no. 6,601,167 in view of Stancil (Stancil), US patent no. 5,951,685.

Stancil is a reference cited by applicant.

As per claim 14, Gibson discloses a data processing installation, comprising:

a processor for executing program commands [col. 5, lines 9-19, 55-65];

a bootstrap memory unit for storing a bootstrap program [col. 3, lines 21-34; col. 13, line 26];

a reload memory unit [hard drive] for storing program commands [col. 5, lines 9-19, 55-65] ; and

wherein at least one of the bootstrap memory unit and the reload memory unit is one of a memory unit with serial data access [EEPROM, col. 3, lines 23-26] and a memory unit which requires a plurality of read access operations [hard drive] in order to read a program command for the processor [col. 5, lines 38-65].

Gibson does not explicitly disclose a main memory unit to which program commands from the reload memory unit are transferred using the bootstrap program before execution by the processor, and a control unit means.

Stancil discloses a main memory unit to which program commands from the reload memory unit are transferred using the bootstrap program before execution by the processor, and a control unit [memory controller 72] which operates without a program and, when the data processing installation is turned on, transfers the bootstrap program from the bootstrap memory unit to the main memory unit, the bootstrap memory outputting the bit positions of the program commands of the bootstrap program serially or using a plurality of read operations per program command [abstract all; fig. 7; col. 9, lines 33-51; col. 10, lines 45-60].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Gibson and Stancil because they both teach of initializing a system, the specify teachings of Stancil stated above would utilize the performance of Gibson system by transferring the bootstrap program before executing by the processor.

As per claim 16, basically encompasses all of the limitations of claim 14. Accordingly, claim 16 is rejected for the same reason as set forth in claim 14.

***Allowable Subject Matter***

4. Claims 3-13 and 20 are allowed over prior art.
5. Applicant's arguments filed on 3/3/05 regarding claims 14 and 16, which have been considered but are moot in view of the new ground(s) of rejection. The examiner regrets the delay in the citation of the new references

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

Apr. 8, 2005